



DRAFT MINUTES

The Heritage Preservation Commission met in regular session on **March 23, 2005 at 7:00 pm** in the Sunnyvale Public Library, Program Room A, 665 West Olive Avenue, Sunnyvale with Chair McQueen presiding.

CALL TO ORDER

Members Present: Chair Brian McQueen; Vice Chair Lisa Davis; Comm. Rose Kausek; Comm. Neil Love; and Comm. Dawn Hopkins

Staff: Steve Lynch, Associate Planner; Joey Mariano, Staff Office Assistant

Members of the public: Paul Okamoto, Applicant; Ismail Inlu, Owner of 124 S Murphy Ave; Arley Marley, Chamber of Commerce; Suzie Blackmann, Chamber of Commerce; Maloccolm McDonald

SCHEDULED PRESENTATION

None

PUBLIC ANNOUNCEMENTS

None

CONSENT CALENDAR

A) Approval of the March 2, 2005 Draft Minutes

Vice Chair Davis made a motion to approve the Minutes of March 2, 2005. Comm. Kausek seconded. Motion carried unanimously 4 – 0 with Comm. Hopkins abstaining.

CITIZENS TO BE HEARD

None

PUBLIC HEARINGS/GENERAL BUSINESS

A) **2005-0154 – Paul Okamoto** [Applicant] **Ismail Unlu** [Owner]: Application for a Landmark Alteration Permit on a 2,625 square-foot site to allow the remodel of the exterior façade of a building in the Murphy Avenue Historic District. The property is located at **124 South Murphy Avenue** in a DSP-2 (Downtown Specific Plan/Subdistrict 2) Zoning District. (APN: 209-06-038) SL

Steve Lynch, Project Planner, presented the staff report. He explained the proposed application and that it is in conformance with the Murphy Avenue Design Guidelines.

Chair McQueen noted that he had a chance to read and review the staff report and liked what he read. He stated that the existing building needed some improvements and that he is glad to see it happening.

Comm. Love asked staff about the requirements for signage on the facade. Vice Chair Davis noted the Condition of Approval from the report relating to signage. Comm. Love asked staff about the condition.

The Commissioners asked staff about the window. Mr. Lynch reported that one additional recommended condition of approval is to have the windows not tinted and/or covered.

Comm. Hopkins joined the meeting.

Vice Chair Davis made a motion to approve item # 2005-0154 subject to the Conditions of Approval with recommendations made by staff. Comm. Love seconded. Motion carried unanimously 5 – 0.

B) **2005-0023 – City of Sunnyvale**: Consideration to amend the City of Sunnyvale's 1987 Legislative Policy for Outdoor Dining on the **100 Block of South Murphy Avenue**. SL

Mr. Lynch explained the policy and staffs recommendations. He explained some examples of what the downtown businesses may or may not have in regards to outdoor seating. He noted that the policy may allow multiple restaurants to share a single outdoor dining permit as some restaurants exist in one building.

Vice Chair Davis noted that she had a concern about the public's safety with the tables and chairs not being anchored. She noted that customers tie their dog's leashes to the tables and may raise a concern for safety. Chair McQueen noted that they might have more safety concerns that they would like to suggest to City Council.

Chair McQueen asked Vice Chair Davis if she would like to include an additional recommendation to anchor umbrellas, tables and chairs.

Vice Chair Davis noted that the policy should include safety concerns for the umbrellas.

Comm. Love asked staff how the businesses made it through the economical drop and the closing of the mall. He asked if the businesses are still struggling to survive. Staff replied that the economy is still difficult.

Chair McQueen noted that he understands the City's concern for outdoor heat lamps, even if he thought they were attractive to customers who would like to sit outdoors during the colder season.

Comm. Love noted that closing down Murphy Ave is a good idea. He noted that the chances of parking on Murphy is slim and that having the street closed at night may be a positive aspect for attracting customers.

Chair McQueen asked Comm. Love if he would like to make an amendment regarding the street closing at nights and weekends. Chair McQueen noted that the policy is regarding outdoor dining. Comm. Love responded that on-street parking is mentioned in page 5 of the report and that he would like to incorporate the subject of closing the street.

Vice Chair Davis asked staff about the types of allowable tableware mentioned in Attachment A of the report.

Suzi Blackmann, CEO of the Chamber of Commerce, asked if staff sent out a public notice to the property owners and business owners about this evening's meeting. She noted that she is surprised to not see any of the restaurant owners in this meeting. She further noted that the meeting time and date is not convenient for the businesses because it is around dinner time when all the businesses are the busiest.

Chair McQueen replied that the Commission is only making recommendations to Council this evening for the City Council to decide whether to approve or deny it.

Ms. Blackmann noted that she wanted to express the concerns of businesses before they make their recommendations. She noted that a big liability concern for the businesses is using the same drink cup. Since the cups cannot be distinguished from one restaurant to the next, it is difficult to track where a customer bought their food or beverage, including alcohol. She noted that this may be a public safety issue.

She further noted that ABC clarified exactly where alcohol could be served amongst each restaurant's license, but customers take advantage of alcohol being served outdoors and walk freely up and down Murphy Avenue. She noted that she hopes that the Commission recognizes that implementing rules is different than enforcing them.

Chair McQueen noted that these are good points of concern and should be studied prior to approval of this policy.

ATTACHMENT E

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Vice Chair Davis also noted that Ms. Blackmann has a good point about enforcing and implementing rules. She then noted that this policy is a good starting point in terms of enforcing rules.

Chair McQueen noted that City staff has been successfully enforcing the rules on Murphy Avenue and that changes are happening.

Mr. Marley, Chamber of Commerce, agreed that the City has been enforcing rules and are being pro-active in Murphy Avenue.

Vice Chair Davis suggested that a decision should not be made this evening until the ABC law is defined clearly.

Mr. Lynch agreed with Ms. Blackmann regarding safety issues for serving alcohol outdoors. Ms. Blackmann noted that differentiating the cups they use may be a good idea to add to this policy. Chair McQueen agreed.

Chair McQueen made a motion to accept staffs recommendations with the addition to anchor the outdoor umbrellas on Murphy Avenue, for staff to investigate solutions of using heat lamps, branding cups used to serve alcohol outdoors, and to close the street on a trial basis, and that the umbrella bases are aesthetically pleasing. Vice Chair Davis seconded for purposes of discussion. Motion carried unanimously 5 – 0.

C) Vote for Organization membership -

- National Trust for Historic Preservation: <http://www.nationaltrust.org/>
- Heritage Preservation The National Institute for Conservation:
<http://www.heritagepreservation.org/>
- American Association for State and Local History: <http://www.aaslh.org/>

Comm. Kausek asked if staff was able to check the Commission's budget for membership to another organization. Mr. Lynch replied that he was not sure what the exact limit was but suggested that a \$150 membeship fee may be possible.

Chair McQueen noted that he would like to join the American Association for State and Local history.

Comm. Kausek noted her interest for the National Trust.

Comm. Hopkins favors the National Trust as well. Comm. Love agreed with Comm. Kausek's interest in the National Trust.

Comm. Hopkins made a motion to join the National Trust Organization. Chair McQueen seconded. Motion carried unanimously 5 – 0.

NON-AGENDA ITEMS AND COMMENTS

ATTACHMENT E

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Chair McQueen asked the Commission if he could call them before each meeting to discuss items prior to the public meeting. Commissioners agreed.

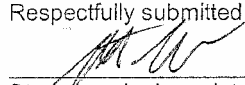
Vice Chair Davis noted that she had learned that the Parks & Recreation Division recommended the removal of Cherry trees adjacent to the historic Bianchi Barn. She noted that the Commission needs to be notified of any encroachment to Heritage Resources and Local Landmarks. Staff replied that the trees are not a Heritage Resource nor a Local Landmark. Vice Chair Davis noted that the trees were saved in the first place to be a Local Heritage Resource.

ADJOURNMENT

Chair McQueen motioned to adjourn. Vice Chair Davis seconded. Motion carried unanimously 5 – 0.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,


Steve Lynch, Associate planner
